

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TERRY T. ELLIS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:09CV082-P-A

INSITUFORM TECHNOLOGIES, INC.,

DEFENDANT.

FINAL JUDGMENT

This matter comes before the court upon the defendant's April 21, 2010 motion to dismiss for failure to prosecute [21]. After due consideration of the motion, the court finds as follows, to-wit:

On March 1, 2010 the court entered an Order allowing the plaintiff's counsel to withdraw. This Order also required the plaintiff to inform the court whether he intended to proceed *pro se* or wished to obtain new counsel by March 22, 2010. The record reflects no contact by the plaintiff to the court since its March 1, 2010 Order. The plaintiff was warned that his failure to comply with the orders of this court could result in dismissal of this case.

In any event, Federal Rule of Civil Procedure 41(b) allows the court to dismiss a case for failure to prosecute. Since the docket reflects no activity by the plaintiff for over five months, the court concludes that this case should be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The defendant's April 21, 2010 motion to dismiss for failure to prosecute [21] is **GRANTED**; accordingly,

(2) All of the plaintiff's claims are **DISMISSED** without prejudice.

(3) This case is **CLOSED** with all parties to bear their own costs.

SO ORDERED this the 22nd day of July, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE